

PANEL DISCUSSION ON RELIGIOUS & CULTURAL RIGHTS

QUESTION: How do you see the role of aid and international agencies with respect to issues of culture and religion? Particularly, I know in the African context, there is now an effort to link or condition aid on what governments do with respect to traditional practices that affect women.

DR. AN-NA'IM: As an African human rights worker, the reality of power relations is that we need to have, for the time being, aid conditionality, in order to force our governments to comply with the standards to which they have subscribed.

I, also worry, however, about what I call a human rights dependency. The fact of the matter is that aid conditionality is premised on other dependencies such as economic, and technological issues. For human rights organizations like the one I work for, Human Rights Watch, to perpetuate this dependency relationship and to legitimize it by making it a vehicle of human rights advocacy is a serious concern of mine.

I would, therefore, say that aid should be used to pressure governments and to achieve some level of compliance, but again, we have to build into this strategy another strategy of breaking the dependency.

FRANCES KISSLING: I would like to add something in the context of our own country. The clients of such aid are the individuals who are served, whether they get health care, education or other forms of humanitarian relief. When you look at U.S. Government aid, for example, there is a major agency called Catholic Relief Services. This is a religious institution, yet seventy-seven percent of its money comes from the U.S. Government, not from ordinary Catholic people or from priests, bishops, or the Pope. That agency only provides clients with services that it thinks are good for those clients rather than services that those clients might want, such as family planning, voluntary sterilization, safe abortion, or a number of other things.

So in this sense, I think that I would like to see some conditionalities on aid that are focused on remembering who the aid is supposed

to serve in order to ensure that the aid goes to recipients that are prepared to genuinely serve the needs of people.

SARA HOSSAIN: Just to take off from that point that Frances made, I think there is an interesting example from Bangladesh. The greatest threat to the provision of menstrual regulation (MR), also known as abortion, was when U.S. AID stopped funding MR programs. This occurred because of a very fundamentalist agenda within the U.S. Government. I think it is important to take into account that this did not occur because of fundamentalist problems in Bangladesh.

QUESTION: The panel talked about the political nature of fundamentalism and noted that it was not only political but also religious.

I just wanted to give an example of a young nineteen-year-old widow who was burned on her husband's funeral pyre in Delara, Rajahstan, a rural area of India. This became a nationwide issue. What was important about the issue, however, was not so much the reaction to this woman being burned, but the nexus of political and religious fundamentalism, and the reasons why this fundamentalist view was being mobilized politically.

How do you go about disabling that relationship or at least reducing its virulent form in terms of removing the power to draw upon the religious traditions and cultural norms in mobilizing it at a political level?

MS. KISSLING: We cannot give those fundamentalist tendencies or interpretations of religion any more space or accord than they deserve—which is very little. Those people who have other interpretations of religion have to put those interpretations forward with equally forceful strength of belief and faith.

One of the more difficult aspects of the work that I do is that I often feel that more often than not I am talking to groups of people who also would like only to give space to fundamentalist views on religion. Because American culture's hostility towards religion in general is so deep, any attempt to put forward justice-seeking views of religions is rejected, even within our own community. I also think that those who hold progressive views on religion, those who hold justice views on religion, those who hold nondiscriminatory views of religion, and who value women and their human dignity need to speak out in the religious context.

Authoritarianism in any form, whether it is religious or political, feeds on its own pomposity. My own personal mission is to poke fun at authoritarianism. I think that often works. It is not out of disrespect for religion, it is out of disrespect for authoritarianism and

for ridiculousness. In that sense, I think when we see things that are ridiculous in religion, we need to say that they are ridiculous.

SARA HOSSAIN: While speaking out against religious authoritarianism is very important to finding a progressive or liberal perspective, it also demonstrates that fundamentalism is not the only available view of religion and positions on religion.

It is also important to defend secular realms. Today, in many parts of the world, even intellectuals and progressives are becoming very defensive. As a result, they are ceding to the fundamentalist agenda even more than fundamentalists anticipated; fundamentalists didn't know that it was going to be this easy, actually. We have handed things over much too early.

One of the ways you can combat fundamentalists of whatever hue is to consider very clearly who they are, what their agenda is, and what crimes they are actually involved in committing. More often than not, they are involved in inciting hatred and violence, particularly violence against women.

As a lawyer, I suppose this is something I think of first: How can you start getting the State to prosecute these people for the kinds of crimes they are involved in, instead of holding back? Not only is the State holding back, but it is adopting that same kind of defensiveness—that you cannot upset the political and social order too much—and prosecuting people who attack fundamentalists. If you prosecute fundamentalists, you can start making some kind of difference, so that people very clearly understand exactly who are the criminals in the scenario, who is disrupting order, and who isn't.

QUESTION: This panel has helped me look at the space given to fundamentalism in the United States differently. I started to think about things like the so-called conscience exceptions to the provision of reproductive services. Clearly, this is related to the issue that you were just discussing of the conditioning of funding, that is, of not giving money to institutions or organizations that don't comply with certain norms.

Is there a worldwide phenomenon of permitting and sanctioning certain kinds of so-called conscience exceptions to general normative requirements that would apply to institutions that provide certain kinds of services? Does that go beyond the United States, and what are strategies that other people have identified to deal with that problem? What are suggestions that you have for addressing this problem in a much less defensive way than it has been addressed in this country?

These conscience exceptions seem to be one of the reasons why abortion is not widely available in this country, as well as all the harm that comes from this limited availability. I would be interested in your thoughts about pursuing strategies in this area.

DR. AN-NA'IM: Unfortunately power is something that has to stay with us for some time. I wish we could live in a world without power, but there is no such world at this point, at least not in the foreseeable future.

If power is unavoidable, the question is, who holds the power or how to appropriate power? Drawing on the earlier discussion of fundamentalism and its power, I agree that there is a religious nature to fundamentalism in addition to its political nature. That is what makes it more politically dangerous.

The question is the ability of all of us to challenge and to take that power over. One of the laws of nature on politics is that there is no such thing as a power vacuum; if you don't take power, someone else will take power over you.

MS. KISSLING: I am not aware of conscience-clause requirements or exceptions outside of the United States, where they are quite common. Conscience clause exceptions are the concept today in the medical community and other communities that a recipient of government money need not conform to or provide services that go against the conscience of that entity. The tradition has been applied essentially to individuals. The idea is that individuals should not be required to perform services that go against their individual conscience. In U.S. law, however, this concept has been extended beyond individuals to religious and other institutions. Conscience exceptions have also been undergoing a process of even further expansion, as we look at national health care reform in the United States.

I don't know, for example, if the World Bank or the Swedes or the Norwegians or Canada or any other international agency or local governments permit such conscience-clause exceptions, but it is certainly something that we would look into.